THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 15320 of 2005

Date:12.09.2005

Between:

Pentakota Udaya Bhaskar Rao, s/o. Appala Naidu,
R/o. 10-16-50, Main Road, Anakapally,
Visakhapatnam district

…Petitioner

and

Srivijaya Visakha District Milk Producers
Mutually Aided Co-operative Union Ltd.,
Rep. by its Managing Director, Visakha
Co-operative Dairy, Visakhapatnam

…Respondent

ORDER:

Challenging the notification proceedings bearing no. S-33/D3/S.M. (E&M)/2005-2006, dated 22.06.2005 of the

respondent, and for consequential direction to respondent to deliver the vehicle bearing no. AP 31AB 4567 Scorpio 2003 model on payment of Rs.4,20,000/- forthwith or alternatively return the amount of Rs.35,000/- paid by the petitioner, the present Writ Petition is filed.

The petitioner became successful bidder by offering Rs.4,55,000/- in the auction for sale of the aforesaid vehicle. Admittedly, he paid an amount of Rs.35,000/-, but failed to deposit the balance amount within one week as per the conditions. Therefore, another notification was issued calling for tenders to sell the vehicle. On instructions, the learned counsel appearing for the respondent submitted that in pursuance of notification dated 22.06.2005, the respondent already sold the vehicle to third parties and therefore, the cause in this case in so far as challenge to the impugned notification and consequential direction to respondent to receive Rs.4,20,000/- from the petitioner for delivery of the vehicle, became infructuous. Admittedly, the petitioner paid Rs.35,000/- to the respondent. Therefore, the respondent has to take appropriate decision for return of the amount to the petitioner, though he committed default in depositing the balance amount.

The Writ Petition is, accordingly, disposed of with a direction to the respondents to consider the case of the petitioner for refund of Rs. 35,000/- within a period of four weeks from the date of receipt of copy of this Order. No costs.

(K.C.Bhanu, J.)

12.09.2005

DRK